

1 TRINETTE G. KENT (State Bar No. 222020)  
2 3219 E Camelback Rd, #588  
3 Phoenix, AZ 85018  
4 Telephone: (480) 247-9644  
5 Facsimile: (480) 717-4781  
6 E-mail: tkent@lemborglaw.com

7 Of Counsel to  
8 Lemberg Law, LLC  
9 43 Danbury Road  
10 Wilton, CT 06897  
11 Telephone: (203) 653-2250  
12 Facsimile: (203) 653-3424

13 Attorneys for Plaintiff,  
14 Stacy Allen

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 Stacy Allen,

19 Plaintiff,

20 vs.

21 National Service Bureau, Inc.,

22 Defendant.  
23

Case No.:

**COMPLAINT FOR DAMAGES**

**FOR VIOLATIONS OF:**

- 24 **1. THE FAIR DEBT COLLECTION**
- 25 **PRACTICES ACT; AND**
- 26 **2. THE ROSENTHAL FAIR DEBT**
- 27 **COLLECTION PRACTICES ACT**
- 28

**JURY TRIAL DEMANDED**



1 Plaintiff, Stacy Allen (hereafter “Plaintiff”), by undersigned counsel, brings the  
2 following complaint against National Service Bureau, Inc. (hereafter “Defendant”)  
3 and alleges as follows:  
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the Fair Debt  
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and repeated  
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,  
9 *et seq.* (“Rosenthal Act”).  
10  
11

12 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), Cal. Civ.  
13 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.  
14

15 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where  
16 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or  
17 where Defendant transacts business in this district.  
18

19 **PARTIES**

20 4. Plaintiff is an adult individual residing in Pittsburg, California, and is a  
21 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).  
22

23 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3), and is a  
24 “debtor” as defined by Cal. Civ. Code § 1788.2(h).  
25

26 6. Defendant is a business entity located in Bothell, Washington, and is a  
27 “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §  
28 1788.2(g).



1           7. Defendant uses instrumentalities of interstate commerce or the mails in a  
2 business the principle purpose of which is the collection of debts and/or regularly  
3 collects or attempts to collect debts owed or asserted to be owed to another, and is a  
4 “debt collector” as defined by 15 U.S.C. § 1692a(6).  
5

6           8. Defendant, in the ordinary course of business, regularly, on behalf of  
7 itself or others, engages in the collection of consumer debts, and is a “debt collector”  
8 as defined by Cal. Civ. Code § 1788.2(c).  
9

10  
11                           **ALLEGATIONS APPLICABLE TO ALL COUNTS**  
12

13           9. Plaintiff is a natural person allegedly obligated to pay a debt asserted to  
14 be owed to a creditor other than Defendant.

15           10. Plaintiff’s alleged obligation arises from a transaction in which property,  
16 services or money was acquired on credit primarily for personal, family or household  
17 purposes, is a “debt” as defined by 15 U.S.C. § 1692a(5), and is a “consumer debt” as  
18 defined by Cal. Civ. Code § 1788.2(f).  
19

20           11. At all times mentioned herein where Defendant communicated with any  
21 person via telephone, such communication was done via Defendant’s agent,  
22 representative or employee.  
23

24           12. Defendant sent Plaintiff its initial letter dated November 13, 2020, in an  
25 attempt to collect the debt from Plaintiff.  
26  
27  
28



13. On or about November 16, 2020, Plaintiff called Defendant and verbally disputed the debt.

14. Defendant spoke to Plaintiff in an aggressive and abusive manner, telling Plaintiff that he was wasting his time disputing the debt.

15. Moreover, Defendant threatened to contact Plaintiff's employer if an immediate payment was not made.

16. Defendant's actions caused Plaintiff a great deal of frustration, stress, and anxiety.

**COUNT I**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15**  
**U.S.C. § 1692, et seq.**

17. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

18. The FDCPA was passed in order to protect consumers from the use of abusive, deceptive and unfair debt collection practices and in order to eliminate such practices.

19. Defendant attempted to collect a debt from Plaintiff and engaged in “communications” as defined by 15 U.S.C. § 1692a(2).

20. Defendant engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.



21. Defendant used false, deceptive, or misleading representations or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.

22. Defendant used false representations or deceptive means to collect or attempt to collect a debt or obtain information concerning the Plaintiff, in violation of 15 U.S.C. § 1692e(10).

23. Defendant used unfair and unconscionable means to collect a debt, in violation of 15 U.S.C. § 1692f.

24. Defendant engaged in collection activity that overshadowed or was inconsistent with the disclosure of Plaintiff's right to dispute the alleged debt, in violation of 15 U.S.C. § 1692g(b).

25. The foregoing acts and/or omissions of Defendant constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

26. Plaintiff has been harmed and is entitled to damages as a result of Defendant's violations.

## COUNT II

**VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION**  
**PRACTICES ACT, Cal. Civ. Code § 1788, *et seq.***

27. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.



29. Defendant did not comply with the provisions of 15 U.S.C. § 1692, *et seq.*, in violation of Cal. Civ. Code § 1788.17.

## PRAYER FOR RELIEF

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
- C. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
- D. Statutory damages of \$1,000.00 for knowingly and willfully committing violations pursuant to Cal. Civ. Code § 1788.30(b);
- E. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);
- F. Punitive damages; and
- G. Such other and further relief as may be just and proper.

## TRIAL BY JURY DEMANDED ON ALL COUNTS



1 DATED: January 14, 2021

TRINETTE G. KENT

2 By: /s/ Trinette G. Kent  
3 Trinette G. Kent, Esq.  
4 Lemberg Law, LLC  
5 Attorney for Plaintiff, Stacy Allen  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28